

# Notice of Allowability

Application No.

10/521,101

Examiner

Leslie J. Evanisko

Applicant(s)

SUESS, DANA

Art Unit

2854

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application papers filed 01/11/2005 and the interview on 01/05/07.
2. ☒ The allowed claim(s) is/are 20,21,23-28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 01/11/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070105.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gavin J. Milczarek-Desai (reg. no. 45,801) on January 5, 2007.

The application has been amended as follows:

### **IN THE SPECIFICATION:**

On page 1, in line 4, the phrase "claims the priority date of" was deleted and replaced with the phrase --is a 371 of PCT/US03/14239 filed May 6, 2003, which claims benefit of-- to provide the correct priority information for the application as set forth in the oath/declaration received January 11, 2005.

On page 6, line 17, the term "forth" was deleted and replaced with --fourth-- to correct an obvious typographical error.

### **IN THE CLAIMS:**

In claim 20, line 3, the term "A" was deleted and replaced with --a--.

In claim 20, line 5, the term --only-- was inserted before each occurrence of the term "consists".

In claim 20, line 6, the term --only-- was inserted before the term “consists”.

Claim 22 has been canceled.

In claim 23, line 2, the term “comprises” was deleted and replaced with the language --is arranged in the following manner--.

In claim 27, line 7, the term --only-- was inserted before “consisting”.

In claim 27, line 8, the term --only-- was inserted before “consisting”.

In claim 27, line 9, the term --only-- was inserted before “consisting”.

Claim 29 has been canceled.

In claim 30, line 2, the term “comprises” was deleted and replaced with --is arranged in the following manner--.

The above changes to the claims 20 and 27 were made to more clearly define applicant's invention and distinguish from the teachings of the prior art. In particular, the claims were amended to insure it was clear that claims 20 and 27 were intended to be limited to a data entry arrangement (as shown in Fig. 6 of the drawings) that only includes letters in the rows (and not punctuation marks or other characters).

Additionally, the cancellation of claims 22 and 29 were made since the claim language in these claims was somewhat unclear in meaning and also seemed to be somewhat redundant of the relationship recited previously in the parent claim. Finally, the changes to claims 23 and 30 were made to provide claim language that was more clear and concise.

### **Reasons for Allowance**

2. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest a data entry interface arrangement having the non-staggered six row matrix as recited, in combination with and particularly including, the first set of two rows having only the letters from the top row of a QWERTY keyboard, the second set of two rows having only the letters from the middle row of the QWERTY keyboard, and the third set of two rows having only the letters from the bottom row of the QWERTY keyboard. Note all of the prior art devices also include other characters (such as numbers or punctuation marks) in the various rows and therefore do not teach or render obvious the data entry interface arrangement as recited.

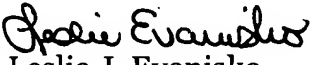
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
January 5, 2007